

### **REMARKS**

Applicant appreciates the consideration of the present application afforded by the Examiner. Claims 1-14 were pending prior to the Office Action. Claims 1 and 13 have been amended; claim 14 has been canceled; and claim 15 has been added through this Reply. Therefore, claims 1-13 and 15 are pending. Claims 1 and 13 are independent.

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Interview Summary***

Applicant appreciates the time and consideration afforded by the Examiner in conducting the Interview on November 16, 2010. During the interview, Applicant's representative and the Examiner discussed the features of instant invention with respect to alleged features disclosed by the Douvikas reference. No formal agreements were reached.

#### ***Claim Rejections - 35 U.S.C. § 101***

Claim 13 stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant traverses the rejection.

Claim 13 has been amended to recite, *inter alia*, “a data processing program stored on a computer readable medium for causing a computer to execute a data processing for transmitting data to an other device.” Applicant submits that claim 13 properly recites functional descriptive material recorded on a computer-readable medium, and therefore qualifies as statutory subject matter under § 101.

Accordingly, Applicant respectfully requests that the § 101 rejection of claim 13 be withdrawn.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Douvikas (U.S. Pub. No. 2004/0073869). Applicant submits the Examiner has failed to establish a *prima facie* case of anticipation and traverses the rejection.

Amended claim 1 recites a data processing device comprising, *inter alia*, the features of:

*a data structure information obtaining unit obtaining from an external device data structure information including information defining a data structure of data to be transmitted to an other device;*

*a user interface description data obtaining unit obtaining user interface description data indicating names of attributes of the data structure information for which data is to be collected for said data structure;*

*an access information obtaining unit obtaining access information defining at least one of a method of transmitting data to said other device and a destination;*

*a user interface processing unit processing said user interface description data to output a user interface for collecting, by a user's operation, data corresponding to attributes in the data structure information;*

*a storing unit storing the data collected from the user by said user interface as an attribute value of an attribute name included in said user interface description data; and*

*a transmission data processing unit determining a matching relationship between an attribute name included in said data structure information and the attribute name included in said user interface description data, creating the data to be transmitted to said other device by replacing a data unit in said data structure information corresponding to the matched attribute with said attribute value, and transmitting said created data based on said access information.*

Although Douvikas appears to disclose a user interface for entering information into eCards (e.g., Figure 7A), the reference is silent regarding “*obtaining user interface description data for collecting data by a user's operation for creating data to be transmitted to [an] other device,*” as recited in claim 1. The eCard user interface of Douvikas merely collects user data

from a user registering with the system without any disclosure of user interface description data (see paragraph [0055], [0057]).

Douvikas further fails to disclose matching an attribute of user interface description data with an attribute of data structure information. Page 4 of the Office Action relies on paragraph [0051] of Douvikas to allegedly anticipate this feature. Paragraph [0051] recites

[0051] In step 230 of FIG. 2, the user selects the "Go" button (350) associated with the "View Cards" command in login graphic 320. This selection brings up search screen 360 (FIG. 3B) in window 310. In one embodiment of the present invention, the user is given the choice 232 of searching by cardholder name 234 or ecardfile ID number 236, a multi-digit number or multi-character alphanumeric value representing a cardholder. If the user selects lookup by name, the user is given the further choice 238 of searching by similar sounding names using, for example, the SoundEx software toolbox. In the latter case, the user checks check box 365 to conduct a sounds-like search.

In other words, this passage of Douvikas describes the methods by which a user may search for a desired eCard, such as by using a multi-digit number specifically identifying a particular eCard or by searching for similar sounding names using a third-party program.

However, this is entirely different from "*a transmission data processing unit determining a matching relationship between said attribute name included in said data structure information and the attribute name included in said user interface description data,*" and further "*creating the data to be transmitted to said other device by replacing a corresponding unit in said data structure information with said attribute value and transmitting said created data based on said access information,*" as claimed. The claimed invention collects data from a user according to a user interface that is output by processing obtained user interface description data. Attributes from the obtained interface description data are matched with attributes of the data structure information defining the data structure to be sent to another device. This matching facilitates the use of the collected data in a data structure that may be unexpected by an external data processing device.

On the other hand, the alleged "matching" performed by Douvikas is merely a search and retrieval process which retrieves an eCard based on search criteria entered by the user. At best, this search criteria corresponds to *values* of eCard attributes which are searched to retrieve the desired eCard. This is entirely different from the claimed invention, which matches *attribute*

*names* included in data structure information with *attribute names* included in user interface description data. Accordingly, Douvikas cannot disclose or suggest at least these features of the claimed invention.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or suggest each and every element in the claims (*see, e.g.*, MPEP § 706.02; MPEP § 2131). Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

Based on the foregoing, at least because Douvikas fails to disclose or suggest each and every claimed element, independent claim 1 is distinguishable from the prior art. Independent claim 13 is comparable to independent claim 1 at least regarding the rationale applied above with respect to claim 1, and is likewise distinguishable from the prior art at least based on said rationale.

Accordingly, Applicant respectfully requests that the rejection of claims 1 and 13, and likewise the claims dependent thereon, under 35 U.S.C. § 102(e) be withdrawn.

#### ***New Claims***

New claim 15 has been added through this Amendment, and is considered to be in condition for allowance at least due to its dependence upon independent claim 1. No new matter has been entered.

**CONCLUSION**

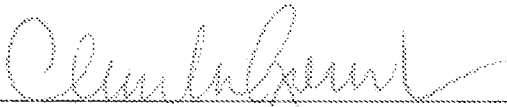
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders, Jr., Registration No. 60,166, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: 12/13/10

Respectfully submitted,

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